

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**JOHN L. GUTIERREZ,**

**Plaintiff,**

**v.**

**No. 14-cv-0539 MCA/SMV**

**FREEMPORT McMORAN COPPER AND GOLD, INC.;  
FREEMPORT McMORAN CHINO, INC;  
and JOHN BRACK;**

**Defendants.**

**ORDER TO SHOW CAUSE**

THIS MATTER is before the Court sua sponte. Plaintiff filed his Complaint against Defendants on June 12, 2014. [Doc. 3] at 1. Pursuant to Fed. R. Civ. P. 4(m), Plaintiff had 120 days from filing the Complaint—or until October 10, 2014—in which to effect service of process. Plaintiff moved for multiple extensions of time to serve Defendant John Brack. [Docs. 5, 10, 12, and 18]. The Honorable Lourdes A. Martínez, United States Magistrate Judge, granted Plaintiff's motions, [Docs. 6, 11, 13, and 19], and most recently extended his deadline to effect service on Defendant Brack to January 19, 2015, *see* [Doc. 19].<sup>1</sup> There is no indication on the record that service of process has been affected with respect to Defendant Brack.

**IT IS THEREFORE ORDERED** that Plaintiff show good cause why his claims against Defendant Brack should not be dismissed without prejudice for failure to comply with the

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<sup>1</sup> Since that time, the case has been reassigned to the Honorable M. Christina Armijo, Chief United States District Judge, as the trial judge. [Doc. 24].

service provision of Rule 4(m). Plaintiff shall file his response within **21 days** of entry of this Order.

**IT IS SO ORDERED.**



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**STEPHAN M. VIDMAR**  
**United States Magistrate Judge**